

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

EPHRON B. SCALES

PLAINTIFF

V.

3:14CV00167-DPM-JJV

RICK WEBB, Correctional Officer,
Craighead County Detention Center; *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge D. P. Marshall Jr. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before either the District Judge or Magistrate Judge, you must, at the time you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence to be proffered at the new hearing (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.
3. The details of any testimony desired to be introduced at the new hearing in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence

desired to be introduced at the new hearing.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing. Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

DISPOSITION

Plaintiff Ephron Scales filed this *pro se* action pursuant to 42 U.S.C. § 1983, while incarcerated at the Craighead County Detention Facility (Jail) (Doc. No. 1).

On September 4, 2014, mail sent to Plaintiff at his last-known address was returned to the Court as undeliverable (Doc. No. 8). The Court then directed Plaintiff, by Order dated September 9, 2014, to provide notification of his last-known address and his intent to continue with the prosecution of the action within thirty days, warning him that failure to do so could result in the dismissal of this action (Doc. No. 14). The copy of the Order mailed to Plaintiff was returned to the Court as undeliverable on September 18, 2014 (Doc. No. 16), and Plaintiff has not corresponded with the Court since that time.

Therefore, the Court finds that Plaintiff’s Complaint should be dismissed without prejudice, for failure to prosecute.¹

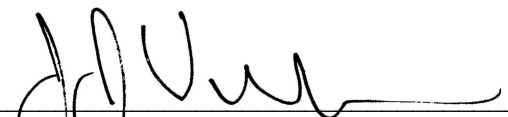
IT IS, THEREFORE, RECOMMENDED that Plaintiff’s Complaint be DISMISSED without

¹Rule 5.5(c)(2) of the Rules of the Eastern District of Arkansas provides as follows:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case and to prosecute or defend the action diligently If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. . . .

prejudice, for failure to prosecute.

IT IS SO RECOMMENDED this 12th day of January, 2015.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE